

Serial No.: 10/812,965
Docket No.: 101-1024
Reply to the Office Action of August 24, 2005

REMARKS

Introduction

Applicants note with appreciation the Examiner's indication that each of the references cited in the Information Disclosure Statements of March 31, 2004 and January 24, 2005 have been considered.

Upon entry of the foregoing amendment, claims 1-22 are pending in the application. Claim 6 has been amended. No claims have been cancelled or added. No new matter is being presented. In view of the following remarks, reconsideration and allowance of all the pending claims are requested.

Objection to the Title:

The Examiner has objected to the title as not being descriptive. The title has been amended to "INTEGRATOR MODULE WITH A COMPACT LIGHT SOURCE AND PROJECTION DISPLAY HAVING THE SAME." Applicants respectfully submit that the newly amended title clearly indicates the invention to which the claims are directed. Accordingly, Applicants request that this objection be withdrawn.

Rejection under 35 USC §102

Claims 1-9, and 12-22 have been rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Publication No. 2005/0018147 to Lee et al. (Lee). Applicants traverse this rejection for at least the following reason.

Thirty five USC § 102(e) states:

A person shall be entitled to a patent unless--

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for the

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purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language...

Applicants respectfully submit that Lee is not prior art against the present application pursuant to 35 U.S.C. § 102(e). Section 102(e) is applicable only if an application for patent or a patent granted on an application for patent is "by another." "Another" means other applicants, *In re Land*, 368 F.2d 866 (CCPA 1966), in other words, a different inventive entity. The inventive entity is different if not all inventors are the same. See MPEP § 2136.04. Both the present application and Lee have the following inventors: Young-chol Lee, Yasunori Kuratomi, Dong-ha Kim, and Il-kweon Moon. See Oath/Declarations of the present application and U.S. Patent Application No. 10/835,599. Thus, Applicants submit that the inventive entity in Lee and the present application are identical. Since the inventive entities of Lee and the present invention are identical and therefore not "by another," as required by §102 (e) of the patent statute, Applicants respectfully submit that Lee is not applicable prior art against the present application under §102(e). However, Applicants reserve the right to distinguish over Lee if later deemed relevant.

Accordingly, since Lee is not applicable prior art under § 102(e) against the present application, Lee can not be used to properly reject claims 1-9 and 12-22 under 35 U.S.C. § 102. Therefore, it is respectfully submitted that claims 1-9 and 12-22, as presently recited, are allowable over Lee, and withdrawal of this rejection*and allowance of these claims are earnestly solicited.

Rejection under 35 USC §103

Claims 10 and 11 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Lee in view of U.S. Patent No. 5,772,299 to Koo et al. (Koo). Applicants respectfully traverse this rejection at least for the following reasons.

As set forth above, Lee is not applicable prior art against the present application pursuant to §102(e), since the inventive entity of Lee is identical to the inventive entity of the present application and is not "by another." Since Lee is not prior art against the present

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application, Lee cannot be properly applied in a §103 rejection. Accordingly, Applicants respectfully submit that claims 10 and 11 are patentable over Lee and the prior art of record.

Furthermore, even if Lee was prior art against the present application under §102 (e) (which it is not), Lee is not applicable prior art against the present application under 35 USC §103. Section 103 (c) states:

(c)(1) Subject matter developed by another person, which qualifies as prior art only under one or more of subsections (e), (f), and (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the claimed invention was made, owned by the same person or subject to an obligation of assignment to the same person.

Applicants respectfully submit that, at the time the claimed invention was made, Lee and the present application were commonly owned or subject to an obligation of assignment to Samsung Electronics Company, Ltd. Accordingly, Applicants respectfully submit that Lee is not prior art against the present application under 35 USC §103.

Since Lee is neither prior art under § 102 nor prior art under § 103, Lee can not be used to properly reject the pending claims of Applicants' invention. Accordingly, it is respectfully submitted that the pending claims are all patentable over Lee and the prior art of record. Withdrawal and allowance of all the pending claims is respectfully and earnestly solicited.

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Conclusion


It is respectfully submitted that a full and complete response has been made to the outstanding Office Action and, as such, there being no other objections or rejections, this application is in condition for allowance, and a notice to this effect is earnestly solicited.

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided below.

If any fees are required in connection with the filing of this amendment, please charge the same to our Deposit Account No. 502827.

Respectfully submitted,

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